

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In Re: ZEBULON JACKSON HANNAH,  <div style="text-align: center;">Plaintiffs,</div>	) ) ) ) )	3:08-cv-0361-ECR (VPC)  <b>REPORT AND RECOMMENDATION OF U.S. MAGISTRATE JUDGE</b>
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This Report and Recommendation is made to the Honorable Larry R. Hicks, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B). For the reason set forth below, it is recommended that plaintiff's complaint be dismissed without prejudice.

**I. BACKGROUND, DISCUSSION & CONCLUSION**

On June 30, 2008, plaintiff *in pro se* filed certain papers with the clerk thereby initiating a civil action in this court (#1). Plaintiff failed to pay the filing fee or file a request to proceed *in forma pauperis*. On July 3, 2008, the court ordered plaintiff to either pay the \$350 filing fee or file a complete application to proceed *in forma pauperis* on or before August 1, 2008 (#3). The court cautioned plaintiff that failure to either pay the filing fee or file a completed application to proceed *in forma pauperis* would result in a report and recommendation to the District Court that this case be dismissed. *Id.*

To date, plaintiff has failed to pay the required filing fee and has not requested additional time in which to do so. Additionally, all mail sent to plaintiff by the clerk has been returned as undeliverable (#4 & #5). Therefore, this court recommends that plaintiffs' case be **DISMISSED** without prejudice.

The parties are advised:

1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, the parties may file specific written objections to this report and recommendation within ten days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the District Court.

## II. RECOMMENDATION

DATED: September 26, 2008.

Valerie P. Cooke

UNITED STATES MAGISTRATE JUDGE